

## FACT SHEET

United States Environmental Protection Agency  
Region 10  
Park Place Building, 13th Floor  
1200 Sixth Avenue  
Seattle, Washington 98101  
(206) 553-0523

Permit No: WA-0021954

### PROPOSED REISSUANCE OF A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE POLLUTANTS PURSUANT TO THE PROVISIONS OF THE CLEAN WATER ACT

U.S. Department of Defense  
Department of the Army  
Fort Lewis Army Base  
Fort Lewis, Washington 98433-5000

has applied for the reissuance of a National Pollutant Discharge Elimination System (NPDES) permit to discharge pollutants pursuant to the provisions of the Clean Water Act. This fact sheet includes (a) The tentative determination of the Environmental Protection Agency (EPA) to reissue the permit, (b) information on public comment, public hearing and appeal procedures, (c) the description of current discharges, (d) a listing of tentative effluent limitations, and other conditions.

The draft NPDES permit and other related documents are on file, may be inspected, and copies made at the above address any time between 8:30 a.m. and 4:00 p.m., Monday through Friday. Copies and other information may be requested by writing to EPA at the above address to the attention of NPDES Permits Unit, OW-130, or by calling (206) 553-0523. The draft permit, fact sheet and public notice can also be found at the Region 10 website at "[www.epa.gov/r10earth/water.htm](http://www.epa.gov/r10earth/water.htm)." This material is also available from the EPA Washington Operations Office, c/o State of Washington, Department of Ecology, P.O. Box 47600, Olympia, Washington 98504-7600.

#### A. TENTATIVE DETERMINATION

EPA has tentatively determined to reissue an NPDES permit to discharge to the above listed applicant subject to certain effluent limitations and monitoring requirements.

## B. PUBLIC COMMENT

Persons wishing to comment on the tentative determinations contained in the proposed permit reissuance may do so by the expiration date of the Public Notice. All written comments should be submitted to EPA as described in the Public Comments Section of the attached Public Notice.

After the expiration date of the Public Notice, the Director, Office of Water, will make final determination with respect to the permit reissuance. The tentative determinations contained in the draft permit will become final conditions if no substantive comments are received during the Public Notice period, and the permit will become effective upon issuance.

If comments are received, EPA will address the comments and issue the permit. The permit will become effective 30 days after the issuance date of the permit unless an appeal is submitted to the Environmental Appeals Board within 30 days.

## C. TECHNICAL INFORMATION

### 1. Applicant

The existing National Pollutant Discharge Elimination System Permit (NPDES permit No. WA-002195-4) was (re)issued on September 30, 1993 to the Department of Defense and expired on November 2, 1998. The permittee submitted an application for permit renewal to EPA on April 26, 1998, resulting in the permit being administratively extended.

### 2. Proposed Permit Actions

EPA is proposing to reissue the existing permit for discharges of treated domestic wastewater from outfall 001. The existing permit also authorized discharges of storm water from outfalls 002, 003, 004, 005, 006, 007, 008, and 009. All storm water discharges from Fort Lewis Army Base are now regulated under permit requirements established in EPA's multisector storm water permit. Similarly, biosolids (sludge) will be regulated under separate permits issued by EPA and the Washington Department of Ecology. The basis for proposed effluent limitations, monitoring and reporting requirement, and general conditions are included in the fact sheet for the existing permit. The fact sheet for the existing permit is part of the administrative record for this permit action and available upon request to EPA.

EPA determined this permit was a candidate for reissuance without significant change in consideration of factors including:

- The discharge is not a significant sources of pollutants to an impaired waterbody;
- The discharge is not subject to waste load allocations of a TMDL, which need to be incorporated into the permit;
- The permit does not need to be changed to accommodate economic or compliance issues;
- The discharge is not affected by new effluent guidelines nor revised NPDES regulations;

- The existing permit includes appropriate water quality-based effluent limitations and both the discharge and near outfall marine sediment have been tested for toxicity;
- The permittee is designated as a “major” and the latest renewal was more than five years ago.

The principle changes being proposed to the existing permit include: removing storm water requirements from this permit; requiring whole effluent toxicity monitoring information to be submitted with the next permit; report incidences of noncompliance to the Washington Department of Health, Shellfish Protection Unit; and update general conditions. Additional changes to the permit may occur in response to comments received during the public notice period.

### 3. Description of Discharges

There have been no significant changes in the volume or character of the wastewater sources, treatment or effluent quality since issuance of the existing permit. The discharge locations, source(s) of wastewater, and treatment facilities are described in the fact sheet for the existing permit. Modeling of peak effluent discharge mixing in receiving water was conducted as part of reissuance of the existing permit. Results of the modeling show that mixing at the edge of the acute mixing zone to be approximately 175:1 and range between 975 to 1425:1 at the boundary of the authorized chronic mixing zone. The permittee has reported few exceedences of effluent limitations since issuance of the existing permit and these were attributed to very severe weather events.

### 4. Receiving Water Quality Standards

Puget Sound in the vicinity of the discharge is designated in Chapter 173-201A WAC, Water Quality Standards for Surface Waters (WQS) of the State of Washington, as “Class AA”. Characteristic water uses established in the state’s WQS such as marine waters include: water supply; wildlife habitat; recreation; fish and shellfish propagation; aesthetic enjoyment; and commerce and navigation.

Receiving water quality criteria to protect these uses are contained in WAC 173-201A-030(2), 040, 050, and 130(21); EPA's Toxics Rule, 40 CFR Part 131 (57 FR 60848 December 22, 1992); EPA Quality Criteria for Water 1986 (the Gold Book) as amended; and/or other criteria published by EPA. This is also in accordance with WAC 173-201A-040(5) which specifies that "Concentrations of toxic, and other substances with toxic propensities not listed in subsection (1) of this section shall be determined in consideration of USEPA Quality Criteria for Water, 1986, and as revised, and other relevant information as appropriate." Receiving water quality criteria for protection of human health are also contained in the Toxics Rule.

The water quality criteria and characteristic uses that might be affected by discharges from Fort Lewis have not changed since issuance of the existing permit. Pollutant discharges from the authorized outfalls have not increased in the authorized outfalls, as characterized in the NPDES permit application submitted by the permittee and by routine monitoring of the discharges. EPA determined that discharges in compliance with existing permit limitations and monitoring requirements have no reasonable potential to cause or contribute to a violation of state water quality

standards.

## 5. Statutory and Regulatory Requirements

### a. Requirements Related to Control of Conventional, Non-conventional, and Toxic Pollutants

It is stipulated in the Water Quality Act of 1987 (Act) that issued NPDES permits must contain effluent limitations reflecting the most stringent of (1) receiving water quality standards established pursuant to state law or regulations and (2) technology-based effluent guidelines established by EPA for three levels of wastewater treatment technology. These levels include Best Practicable Control Technology Currently Available (BPT); Best Conventional Pollutant Control Technology Currently Available (BCT) for the parameters: BOD<sub>5</sub>, TSS, pH, fecal coliform bacteria, and oil & grease; and Best Available Technology Economically Achievable (BAT) for non-conventional and toxic pollutants. Effluent limitations to be achieved for discharges of treated domestic wastewater are established in regulation (40 CFR §133). These regulations are the basis of the limitations in the current permit.

Where effluent guidelines have not been promulgated by EPA, the Act and NPDES regulations at 40 CFR § 125.3 require the permit writer to establish BPT, BCT, or BAT effluent limits on a case-by-case basis based on Best Professional Judgement (BPJ).

### b. Endangered Species

Section 7 of the Endangered Species Act (SEA) of 1973 requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) to ensure that any federal action, such as resissuance of this NPDES permit, jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat. NPDES regulations at 40 CAR Part 122.49(c) also require this showing for the issuance of NPDES permits.

In a letter dated September 13, 1999, USFWS responded to EPA's request for listing of threatened or endangered species that might be present in the vicinity of the discharges from the Fort Lewis Army Base. The letter stated that "To the best of our present knowledge, there are no listed species within the area of the subject project. However, proposed species and species of concern may occur in the vicinity of the project."

In a letter dated August 16, 1999, NMFS stated that "Presently, Puget Sound chinook salmon (*Oncorhynchus tshawytscha*) are listed as threatened and occur in the shallow nearshore in Puget Sound from March to July each year. Coho salmon (*O. Kitsutch*) range in the project area and are candidate species eligible for listing under the ESA."

EPA believes that discharges in compliance with the proposed effluent limitations and monitoring requirements shall not cause any violation of water quality standards established for the protection of aquatic life nor affect listed, threatened or endangered species. Nevertheless, EPA is

providing copies of the proposed permit and fact sheet to these agencies for their review. Based on comments received from these agencies, EPA may engage in formal conference and consultation processes for ESA section 7 considerations (per 50 CFR Part 402).